

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, SEPTEMBER 23, 1999
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman
Linda Steinman
Bernie Heier
Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, SEPTEMBER 16, 1999

MOTION: Hudkins moved and Heier seconded approval of the Staff Meeting Minutes dated September 16, 1999. On call Hudkins, Heier, Workman, Steinman and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

ACTION ITEMS

- a. Invoice from Nebraska Department of Roads for Purchase of Van for Lancaster County Rural Transit (\$10,240.80)

Eagan noted that this item was not included in Lancaster County Rural Transit's budget.

MOTION: Hudkins moved and Heier seconded to accept the change in the budget and authorize Dave Kroeker, Budget & Fiscal Officer, to determine the appropriate budget category. On call Hudkins, Workman, Heier, Steinman and Campbell voted aye. Motion carried.

- b. Execute Customer Designation Form with UtiliCorp United

Eagan reported that the deadline for signature is September 24th (Exhibit A).

MOTION: Steinman moved and Workman seconded to authorize the Chair to sign the *Transport Customer Service Agreement Verification* form and direct Kerry Eagan, Chief Administrative Officer, to seek additional guarantees with regards to discounts. On call Steinman, Workman, Heier, Hudkins and Campbell voted aye. Motion carried.

3 DISCUSSION OF BOARD MEMBER MEETINGS

- a. Community Mental Health Center Advisory Board - Steinman

Steinman reported that Community Mental Health Center staff plan to hold a retreat and schedule priorities in preparation for the new director taking office.

Heier indicated that the Nebraska Corn Board may be willing to contribute financially to a suicide prevention program that will assist farmers.

4 NATURAL RESOURCES CONSERVATION & DEVELOPMENT AREA - George Lyons, Polk County Rural Public Power District General Manager; Scott Willit, United States Department of Agriculture Resource Conservationist; Judy Adams, Lincoln Action Program Rural Coordinator

George Lyons, Polk County Rural Public Power District General Manager, gave a brief overview of the Resource Conservation & Development (RC&D) Program, which is funded by the United States Department of Agriculture (USDA). He asked the County Board's support of formation of a RC&D service area encompassing the counties of Butler, Cass, Lancaster, Polk, Saunders, Seward and York.

Scott Willit, USDA Resource Conservationist, distributed materials explaining the purpose of the RC&D Program and maps detailing RC&D Areas (Exhibit B). He also distributed information on the North Central Nebraska RC&D and examples of projects in other states (Exhibit C).

Lyons explained that the RC&D will be governed by a Council comprised of representatives of the sponsoring organizations, with projects determined by a consensus vote of the Council. Funding of projects will be through grants and corporate donations.

In response to a question from Heier, Willit said RC&D's are not governing bodies and lack the authority to levy taxes.

MOTION: Steinman moved and Heier seconded to proceed to the next step in organization of Resource Conservation & Development Program for this region and to designate Commissioner Workman as the contact person for the County Board. On call Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

Lyons reported that the USDA will be presenting additional information on the RC&D Program at a meeting scheduled for 1 p.m. on October 19th at the Civic Center in Seward, Nebraska.

The Board requested that Commissioner Workman, Troy Gagner, Economic Development Coordinator, and Judy Adams, Lincoln Action Program Rural Coordinator, serve as representatives at that meeting.

5 REVIEW OF BOARD OF EQUALIZATION REFEREE SYSTEM - Wayne Kubert and Tom Kubert, Great Plains Appraisal Inc.; Norm Agena, County Assessor; Robin Hendricksen, Chief Administrative Deputy Assessor; Bruce Medcalf, County Clerk; Gwen Thorpe, Deputy County Clerk; Mike Thew, Deputy County Attorney

Gwen Thorpe, Deputy County Clerk, distributed the following materials:

- * *Board of Equalization Costs - 1999* (Exhibit D)
- * *1999 Property Valuation Protest Statistics* (Exhibit E)

Norm Agena, County Assessor, said Great Plains Appraisal, Inc. has submitted their observations of the 1999 Lancaster County Board of Equalization process and suggested improvements for 2000 (Commissioners' Information Packet). He suggested the Board proceed with the recommendation to eliminate testimony before the full Board of Equalization which will allow two additional weeks for the referee process. Agena said he did not anticipate that this action would result in additional filings of appeals to the Tax Equalization and Review Commission (TERC).

Campbell suggested that property tax protestors be advised they may still submit additional information to the Board of Equalization in writing.

Steinman voiced concern that important information about neighborhoods and trends is brought forth in testimony before the Board of Equalization that might not be considered pertinent by the referee.

Hudkins concurred, noting the Board of Equalization process allows for an objective review by lay people, rather than professional staff. He said many individuals filing protests are intimidated by the TERC process and value the opportunity to address the Board.

Campbell requested an analysis of the 245 property tax protests that came before the Board of Equalization in 1999 to determine how many of those protestors attended hearings with referees. She proposed implementation of a system in which the Board of Equalization will only afford appointments to those protestors that have met with a referee and have submitted new information in writing.

Agena added that protestors wanting a physical inspection of their property need to make those arrangements at the time of the referee hearing.

Tom Kubert, Great Plains Appraisal Inc., suggested that responsibility for property inspections be shifted from the referees to the County Assessor's Office, which should reduce the number of listing errors.

Mike Thew, Deputy County Attorney, said this will reduce costs, provide consistency in quality grades and eliminate “special treatment” for those filing protests.

The Board requested Thorpe to facilitate a plan for changes to the Board of Equalization procedure, incorporating those suggestions, and the wording of letters to protestors, with a report back to the Board.

6 WILDERNESS PARK UPDATE - John Bradley, Interim Planning Director; Kent Morgan, Assistant Planning Director; Mike DeKalb, Nicole Fleck-Tooze and Mike Brienzo, Planning Department; Terry Genrich, Parks & Recreation; Betsy Kosier and Paul Ladehoff, Lincoln Lancaster Mediation Center

Mike DeKalb, Planning Department, gave a brief overview of the Wilderness Park study process referring to the following maps:

- * Wilderness Park Subarea Study: Schedule
- * Wilderness Park Study Area Boundaries
- * South Lincoln Urban Planning Zones S-1 and S-2

DeKalb also reviewed the working timeline included in the handout titled *Wilderness Park Subarea Study: Process Overview* (Exhibit F).

Hydrology Study

Nicole Fleck-Tooze, Planning Department, gave a brief summary of the *Salt Creek at Wilderness Park Hydrologic Study* conducted by the Corp of Engineers (Exhibit G), noting the study did not map floodplain delineations. She stated seventeen different alternatives were evaluated for 10-year, 50-year, 100-year and 500-year storm flow events. Five different types of alternatives were modeled - (1) various stormwater runoff scenarios, each assuming a different level of impervious surface area for future development in the basin, (2) various scenarios assuming changes in the “roughness” values of the vegetation along the Salt Creek channel, (3) the removal or addition of bridges in the study area, (4) alteration of the existing storage areas within and adjacent to Wilderness Park, and (5) road raises and reduced bridge open areas.

Fleck-Tooze stated study conclusions, based on the analysis of the alternatives compared to existing (baseline) conditions, include the following:

- * Straightening of the channel or installation of levies would have made a profound difference in flooding downstream
- * Fill within in the Salt Creek floodplain should be compensated for because it impacts flows downstream
- * Dense woody vegetation along the conveyance area significantly reduces the water flow
- * Raising roads and reducing bridge openings would not be an effective method of using channel storage to reduce peak channel flow

- * Adding or replacing bridges would not have a system wide impact on discharge
- * Size of storage area basin necessary to achieve a noticeable reduction in peak discharge negates its feasibility

In response to a question from Steinman, Fleck-Tooze said the study did not evaluate storage areas south of Van Dorn.

Transportation Study

Mike Brienzo, Planning Department, presented a summary of the *Lincoln Transportation Studies, S1-S2 Subarea Transportation Study* prepared by Olsson Associates (Exhibit H). He said this study consists of three primary elements - (1) the south Lincoln Transportation network, (2) the internal Wilderness Park transportation system and (3) transportation related environmental impacts.

Brienzo said seven broad-range transportation network alternatives were evaluated in detail, with Alternative 7 recommended. He noted that transportation network recommendations include the following:

- * A Yankee Hill Road bridge connection between 14th Street and Highway 77, with a full access interchange at Highway 77
- * Closure of Old Cheney Road through Wilderness Park and at the at-grade railroad crossing, but with park/property access maintained
- * Pioneers Boulevard open across Wilderness Park with a bridge and preferably an interchange at Highway 77
- * Potential closure of 14th Street through Wilderness Park and at the at-grade railroad crossing with park/property access maintained
- * No extension of Rokeby Road between 40th and 56th Streets
- * Elimination of other at-grade intersections along Highway 77 in the study area consistent with the assumed future freeway status of Highway 77

Brienzo stated these recommendations were based on assumptions that the thoroughfare system will continue to be developed with Yankee Hill Road a critical part of that system; the South and East Beltways will be in place and Highway 77 will be upgraded to a freeway status.

In response to a question from Hudkins, Brienzo said it was felt that closure of Old Cheney Road will add continuity to the park and eliminate the conflict caused by the close proximity of Old Cheney Road to Warlick Boulevard in terms of the West Bypass interchange.

Heier noted concern on how this closure will impact development to the west.

Brienzo said a number of environmental issues will need to be considered in terms of the Yankee Hill Road bridge, although mitigation is possible. These include traffic, noise impact, potential fragmentation of the park, esthetics and parkland conversion.

Brienzo stated two trailheads will need to be relocated if Old Cheney Road and 14th Street are closed through the park. A bridge system to accommodate emergency and maintenance vehicles will also need to be developed.

Steinman noted that a bridge across Yankee Hill Road was proposed by the Chamber of Commerce prior to initiation of the study.

DeKalb responded that there is a perceived conflict of interest since Olsson Associates engineered the proposal for the Chamber of Commerce, although procedure was followed. He also noted there is not an overwhelming justification for the bridge.

Hudkins questioned why Rokeby Road was not recommended, as it is more centrally located than Yankee Hill Road in terms of the South Beltway and Highway 77.

John Bradley, Interim Planning Director, responded that selection of Rokeby Road would necessitate the acquisition of houses since the 60 foot minimum right-of-way was not reserved.

DeKalb added the decision to not reserve right-of-way was based on cost factors, related to the creek running parallel to the road, and environmental impact.

Campbell said Yankee Hill Road residents are very concerned about truck traffic on their road and implementation of the transportation plan needs to be timed with construction of the South Bypass to prevent that from happening.

DeKalb noted that a number of projects have been placed on hold pending completion of this study.

Public Involvement Study

Betsy Kosier, Lincoln Lancaster Mediation Center, gave a brief summary of the *Wilderness Park Subarea Study Working Group Public Involvement Report* (Exhibit I), noting that 46 recommendations were made which addressed 12 categories of concern:

- * Stormwater/Flood Plain
- * Park Use
- * Ecological/Environmental
- * Land Acquisition
- * Development/Park Context
- * Internal Transportation Network
- * External Transportation Network
- * Historical Preservation
- * Safety
- * Park Management
- * Fiscal
- * Policy Making

Kosier said no recommendations were made with regards to external transportation, as information from the Transportation Study was not made available until the end of the process. She noted that none of the issues were viewed as unresolvable.

Paul Ladehoff, Lincoln Lancaster Mediation Center, added it was the group's perception that flood storage and green space/habitat retention were the primary purposes of the park and other uses could take place as long as they did not interfere with those functions.

DeKalb said other mini-studies of Wilderness Park have also taken place, including a city-wide survey of park use, a Health Department identification of pollution sources and noise levels, and a historical review of the park and its environs.

DeKalb also reviewed a timeline for completion of the study and the Comprehensive Plan Amendment for Subarea Plan process.

NOTE: Copies of these reports are available in the City libraries and on the InterLinc website. A copy of the *Lincoln Transportation Studies, S1-S2 Subarea Transportation Study* is also available in the County Clerk's Office.

- 7 CHANGE OF ZONE NO. 190 (OFF-PREMISE SIGN MORATORIUM); COUNTY BOARD OF ZONING APPEALS NO. 109 (ERROR IN INTERPRETATION OF SECTION 4.017 (F) (1) (2) RELATING TO PROPERTY AT SOUTH 96TH AND SALTILLO ROAD); FINAL PLAT NO. 99010, MEADOW VIEW SOUTHWEST 84TH AND VAN DORN - Mike DeKalb, Planning Department; Diane Staab, Deputy County Attorney**

Final Plat No. 99010

Mike DeKalb, Planning Department, reviewed Final Plat No. 99010, Country Meadows, consisting of 28 residential lots and three outlots for future development (Exhibit K).

Change of Zone No. 190

DeKalb reviewed Change of Zone No. 190, a proposed text amendment to the County Zoning Resolution to effect an off-premise sign moratorium, to mirror action by the City of Lincoln (Exhibit L).

County Board of Zoning Appeals No. 109

DeKalb reviewed County Board of Zoning Appeals No. 109, which alleged an error in interpretation of County Zoning Regulations and requested a variance of minimum lot area, acres, lot width and frontage (Exhibit M). He explained the situation was created when separate family-held ownership of the property, created prior to adoption of the County Zoning Regulations in 1979, was transferred to one of the parties, resulting in common ownership. A subdivision permit to construct a house, currently under construction, and adjust the lot lines to locate this house on the second lot was submitted. A County Attorney's Opinion was requested and a determination was made that the request did not conform to either Option 1 or 2 of Article 4, Section 4.107(f) (1) and 4.107 (f) (2) of the County Zoning Regulations. The applicant filed an appeal with the County Board of Zoning Appeals, which in turn recommended denial of both parts of the appeal, finding that the request for a variance did not qualify as a hardship of land.

Diane Staab, Deputy County Attorney, agreed that the situation is unusual, but added it was the responsibility of the property owners to research whether the lots were buildable under the code.

Heier asked Staab to research whether the Board could impose junked car conditions should a waiver of variance be granted.

NOTE: The County Board of Commissioners will hold a public hearing on the matter on Tuesday, October 5, 1999.

8 MODEL TELECOMMUNICATIONS AND PERSONAL WIRELESS ORDINANCES - Dave Johnson, Deputy County Attorney; Jennifer Dam, Planning Department

Eagan indicated that a status report on the Model Telecommunications Ordinance (MTO) and Personal Wireless Ordinance was received from Tom Duchon, Telecommunications Consultant (Commissioners' Information Packet). He said the ordinances need tailoring to meet the specific needs of the County, which can be accomplished in-house.

Board consensus to not extend the contract with River Oaks Communications Corporation.

Model Telecommunications Ordinance

Brief discussion took place on the need to seek revision of LB 496, which changed right-of-way for telecommunications lines and related facilities and eminent domain powers.

Campbell asked whether the Board should consider Option 4, which is to file a declaratory judgement action seeking a determination on the constitutionality and validity of LB 496.

Dave Johnson, Deputy County Attorney, estimated that process at six to seven months, noting there are indications that the Nebraska Legislature intends to include counties in LB 496. He recommended the Board proceed with Option 1, which is to rewrite the MTO and Personal Wireless Services Ordinances, taking into account many of the industry's suggestions, and continue to seek favorable revision of LB 496.

The Board concurred, requesting that the new ordinance drafts be submitted to members of the industry for additional comment before consideration is given to formation of a task force to review the issue.

The Board also requested Johnson to coordinate efforts to seek revision of LB 496 with the Nebraska Association of County Officials (NACO).

Personal Wireless Ordinance

Jennifer Dam, Planning Department, said she was disappointed with the lack of attention the telecommunications consultants paid to zoning regulations in their draft of a Personal Wireless Ordinance and has undertaken re-draft of the document herself. Dam requested that suggestions of criteria for tower placement be forwarded to her.

In response to a comment from Workman, Dam said the industry will resist any efforts to impose bonding requirements.

9 BANNER HOUSE SUBORDINATION AGREEMENT - Troy Gagner, Economic Development Coordinator

Troy Gagner, Economic Development Coordinator, presented additional information on the Banner House Fabrics Job Creation Loan and subsequent subordination request from Farmers & Merchants Bank (Exhibit N), noting the following:

- * Summary of Project Costs and Financing Sources
- * Reimbursements from County Community Development Block Grant (CDBG) Funds
- * Current Financing Sources

Gagner noted that Donna McCoy, owner, has received the \$5,500 loan from the bank.

The Board asked Gagner to notify Farmers & Merchants Bank that the County Board has reviewed their subordination request, but does not view subordination of the County's loan a necessity, as the bank has already released the funds to the borrower.

Gagner also provided a brief update on the following:

- * Kinco Manufacturing of Waverly
- * Linweld Inc.
- * Innovative Grain Technology

10 ACTION ITEMS

Item moved forward on the agenda.

11 ADMINISTRATIVE OFFICER REPORT

- a. Request for Proposals for Demolition of House on Radcliff Street (Site Preparation for Youth Detention Facility)

Eagan reported that Don Killeen, County Property Manager, will be placing the project out for bids.

- b. Location of Handicap Ramp in County Right-of-Way for a Church in Cheney

Eagan distributed drawings of the site (Exhibit O) explaining that Building & Safety will not issue a permit unless the County Board approves the request. He noted that Larry Worrell, County Surveyor, does not perceive an impact to traffic.

Board consensus to approve the request, with the stipulation that the ramp will be removed if the right-of-way is needed.

- c. Interview Questions for Community Mental Health Director Candidates and Notification of Candidates; Move Interview for Morna Pedersen-Rambo to September 30, 1999

Barbara Boggs, Personnel Department, appeared and distributed a list of suggested interview questions (Exhibit P).

The Board requested Eagan and Boggs to work together to develop a final slate of questions prior to the interviews on September 28th and 30th and arrange for the candidates to tour the facility.

- d. Meeting with District Court Clerk

Campbell reported that Kelly Moore Guenzel Handlos, Clerk of the District Court, plans to seek audits through the Personnel Department and State Court Administrator's Office. A technology review of the office will also be requested.

ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk